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Scottsdale Indemnity Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLARENCE JONATHON WOOD and HEIDI
COLLINGWOOD,

Plaintiffs,

v.

SCOTTSDALE INDEMNITY CO.; and
DOES 1 to 100, inclusive,

Defendants.

CASE NO. CV 08 3335 SBA

DEFENDANT SCOTTSDALE INDEMNITY
COMPANY'S REQUEST FOR JUDICIAL
NOTICE (F.R.E. 201)

Date : September 23, 2008
Time : 1:00 p.m.
Ctrm. : No. 3, 3rd Floor
Judge : Hon. Sandra Brown
Armstrong

Defendant SCOTTSDALE INDEMNITY COMPANY hereby requests that the Court take judicial notice pursuant to Federal Rule of Evidence 201 of the documents identified below. The court may take judicial notice of pleadings in other actions as a public record (Rothman v. Gregor (2d Cir. 2000) 220 F.3d 81) and dictionary definitions (Aschenbrenner v. U.S. Fidelity & Guaranty Co. (1934) 292 U.S. 80, 85).

1. On or about May 23, 2008, Plaintiffs filed this action in Humboldt County Superior Court, case number DR080473 (removed

1 to this court). Attached to Scottsdale's Index of Exhibits
2 ("SIOE") as Exhibit "A" is a true and correct copy of Plaintiffs'
3 Complaint.

4 2. On or about December 29, 2004, Plaintiffs filed in the
5 Court of Appeal, State of California, First Appellate District,
6 Division 4, appeal numbers A107462 and A107463 (consolidated) a
7 Combined Opening Brief seeking the reversal of the trial court's
8 granting of summary judgment as to defendants Ralph L. and Pamela
9 W. Lindstrom (the "Lindstroms"). Attached to SIOE as Exhibit "B"
10 is a true and correct copy of pertinent portions of Plaintiffs'
11 appellate brief.

12 3. On or about April 22, 2005, the Lindstroms filed in the
13 California Court of Appeal their Respondents' Brief seeking
14 affirmation of the trial court's granting of summary judgment in
15 their favor. Attached to SIOE as Exhibit "C" is a true and
16 correct copy of the pertinent portions of the Lindstroms'
17 appellate brief.

18 4. On or about July 12, 2002, Plaintiff Heidi Collingwood
19 filed suit for wrongful death and exemplary damages against the
20 Lindstroms and Holz Lindstrom in Humboldt County Superior Court,
21 case number DR020419. Attached to SIOE as Exhibit "D" is a true
22 and correct copy of Plaintiff Heidi Collingwood's Underlying
23 Complaint.

24 5. On or about November 6, 2002, Plaintiff Clarence
25 Jonathon Wood filed suit for General Negligence against the
26 Lindstroms and Holz Lindstrom in Humboldt County Superior Court,
27 case number DR020685. Attached to SIOE as Exhibit "E" is a true
28

1 and correct copy of Plaintiff Clarence Jonathon Wood's Underlying
2 Complaint.

3 6. On or about August 30, 2006, the Humboldt County
4 Superior Court entered judgment against Holz Lindstrom in the
5 amount of \$5 million plus costs. Attached to SIOE as Exhibit "F"
6 is a true and correct copy of the Judgment After Court Trial.

7 7. A true and correct copy of the relevant dictionary
8 definitions are attached to SIOE as Exhibit "G".

9
10 DATED: July 29, 2008

SELMAN BREITMAN LLP

11
12
13 By: 

LINDA WENDELL HSU (SBN 162971)
Attorney for Defendant
SCOTTSDALE INDEMNITY COMPANY

Selman Breitman LLP
ATTORNEYS AT LAW

PROOF OF SERVICE

Clarence Jonathon Wood and Heidi Collingwood v. Scottsdale Indemnity Company
 United States District Court Northern District of California Case No. CV 08 3335 SBA

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 33 New Montgomery, Sixth Floor, San Francisco, CA 94105. On **July 29, 2008**, I served the following document(s) described as **DEFENDANT SCOTTSDALE INDEMNITY COMPANY'S REQUEST FOR JUDICIAL NOTICE (F.R.E. 201)** on the interested parties in this action as follows:

by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

David P. Dibble, Esq.
 Law Offices of David P. Dibble
 123 F Street, Suite D
 Eureka, CA 95501
 (707) 444-9330

Attorneys For Plaintiff CLARENCE
 JONATHON WOOD

Zachary E. Zwerdling, Esq.
 Law Office Of Zachary E. Zwerdling
 123 F Street, Suite C
 Eureka, CA 95501
 (707) 445-9628

Attorneys For Plaintiff HEIDI
 COLLINGWOOD

☒ **BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence, pleadings, and other matters for mailing with the United States Postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to FEDERAL EXPRESS for delivery to the addressee(s).

☐ **BY E-MAIL:** I transmitted a copy of the foregoing documents(s) via e-mail to the addressee(s).

☐ **BY FAX:** I transmitted a copy of the foregoing documents(s) via telecopier to the facsimile numbers of the addressee(s), and the transmission was reported as complete and without error.

☐ **BY PERSONAL SERVICE:** I personally delivered such envelope by hand to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **July 29, 2008**, at San Francisco, California.


 LAURA TALESNIK

Selman Breitman LLP
 ATTORNEYS AT LAW